

AN ORDINANCE TO AMEND CHAPTER 160, ZONING, OF THE CODE OF THE TOWN OF  
FENWICK ISLAND, DELAWARE  
RELATING TO OFF STREET PARKING

**WHEREAS**, the Town Council of the Town of Fenwick Island desires to create adequate parking for properties located in the Commercial Zone;

**BE IT ORDAINED** by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, in the manner following:

**CURRENT ORDINANCE:**

§ 160-10 **Off-street parking regulations.**

- A. Except as otherwise provided in this chapter, when any building or structure is hereafter erected or there is an addition to any building or structure which increases the square foot area of the building or structure or any building or structure or portion thereof is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 of the chart below or as required in subsequent sections of this chapter. [**Amended 7-26-1996; 10-20-2000; 9-23-2005; 2-22-2013**]

Use or Use Category	Off-Street Parking Requirements	
	Spaces Required Per Basic Measuring Unit	Additional Requirements
Single-family dwelling or townhouse	2 per dwelling	
Church or temple, auditorium or place of assembly	1 per 5 seats or bench seating spaces	(Seats in main auditorium only)
Public buildings such as public library, museum, art gallery or community center	10 per use	Plus 1 additional space for each 300 square feet of floor area
Motel/hotel	1 per sleeping unit	Plus 1 for each 10 rooms or portion thereof
Professional services building	1 per 200 square feet of floor area	6 minimum, 10 minimum for a clinic
Restaurant or eatery	1 per 100 square feet of total patron area	

## Off-Street Parking Requirements

Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
Retail store	1 per 300 square feet of floor area	

B. Off-street parking regulations; size of parking spaces.

- (1) Residential. All required parking spaces shall be at least nine feet in width, 20 feet in length, and have a vertical clearance of at least six and one-half (61/2) feet.
- (2) Commercial. The required number of parking spaces shall comply with the minimum following dimensions based on the angle of parking:

Angle of Parking (degrees)	Parking Space Width (feet)	Parking Space Length	Parking Space Curb Length
0	9	9 feet	26 feet 4 inches
20	9	15 feet	23 feet
30	9	17 feet 4 inches	18 feet
40	9	19 feet 2 inches	14 feet 10 inches
45	9	19 feet 10 inches	12 feet 9 inches
50	9	20 feet 5 inches	11 feet 9 inches
60	9	21 feet	10 feet 5 inches
70	9	21 feet	9 feet 8 inches
80	9	20 feet 4 inches	9 feet 2 inches
90	9	19 feet	9 feet

C. Location of parking spaces. **[Amended 2-22-2013]**

- (1) Residential. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:
  - (a) Within a permitted garage or carport.
  - (b) On an open area of the lot.
- (2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways: **[Amended 2-23-2018]**
  - (a) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one or more bathrooms that are operational and available for employee, customer or client use during business hours.
  - (b) If approved by the Town Council, open parking spaces required for a structure may be located on a lot(s) other than those intended to be served, provided that:

[1] It is not practicable to locate such spaces in accordance with Subsection **C(2)** because of:

- [a] Unusual shape, size or dimensions of the lot;
  - [b] The lack of an alley or the lack of appropriate ingress or egress facilities through existing or proposed alleys or streets; or
  - [c] Traffic hazards.
- [2] The Council may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.
- D. Access, maintenance and operation.
- (1) The parking spaces required by this section shall be provided and maintained so long as the structure exists for which the parking spaces are designed to serve.
  - (2) Parking spaces shall not be reduced in total extent after their provision except upon approval of the Town Council, and then only after proof that the parking spaces provided are no longer needed by reason of a reduction of employees, seats, gross floor area, dwelling units or any other unit of measurement, provided that the Town Council may impose any condition it shall deem necessary to assure the addition of parking spaces in case of a subsequent increase in employees, seats, gross floor area, dwelling units or any other unit of measurement.
  - (3) Each parking space in a Commercial Zone shall be individually accessible at all times from streets or alleys through means of ingress and egress, and no parking space will be authorized or approved if egress requires the vehicle to back directly, in order to exit, onto any of the following: Delaware Route 1, Delaware Avenue, Maryland Avenue or Island Street. **[Amended 1-27-1995; 2-22-2013]**
  - (4) Each parking space in a Commercial Zone shall be clearly designated by four-inch painted lines on three sides or by the use of the standard bumper (parking) blocks at the front of the parking space.
  - (5) When parking spaces are so arranged that an aisle is used in conjunction with parking or is required for accessibility or maneuvering space between rows of two or more parking spaces or between a row of two or more parking spaces and the perimeter of the area based on the angle of parking shall be used:

<b>Angle of Parking</b>	<b>Aisle Width</b>
<b>(degrees)</b>	<b>(feet)</b>
0	14
20	14
30	14
40	14
45	14
50	14
60	20
70	20
80	25

- (6) Driveways which provide accessibility to parking spaces accessory to one-family dwellings shall be not less than eight feet in width.
  - (7) Driveways which provide accessibility to parking spaces accessory to any structure in a Commercial Zone, other than a one-family dwelling, shall be not less than 14 feet in width.
  - (8) Detailed plans shall be submitted to the Building Official for approval of all curb cuts or driveway openings.
  - (9) All applications for building permits shall include plats, profiles, topographic maps or any other plans in sufficient detail to determine compliance with requirements of this section.
- E. Rules of interpretation. For the purposes of this section, the following rules of interpretation shall be applicable:
- (1) Where individual seats are not provided, each 18 inches of benches or other similar seating shall be considered as one seat.
  - (2) The number of employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
  - (3) In computing the number of parking spaces required, that portion of the gross floor area which is devoted completely to use as loading berths, loading platform, material, equipment, supply storage, kitchen food preparation area or food storage area may be excluded. The excluded areas shall not be open to the general public.
  - (4) In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses computed separately in accordance with § **160-10A**. Parking space for one use shall not be considered as providing the required parking spaces for any other use.
  - (5) Whenever calculations based on the schedule set forth in § **160-10A** result in a fractional space, any fraction under 1/2 shall be disregarded, and any fraction of 1/2 or over shall require one parking space.
  - (6) If a structure is not included in one of the categories of structures in § **160-10A**, parking spaces shall be provided therefor to the extent required for a public building, or as determined by the Town Council.
  - (7) As used herein, "use or use category" is used only as a criterion for setting forth the off-street parking requirements. To determine the use permissibility, see § **160-5**.
- F. Vehicle parking on an unimproved lot in the commercial zone for a fee or not and with or without the permission of the lot owner is prohibited. **[Added 4-28-2000]**
- G. A parking area in the Commercial Zone which serves a permitted use included in § **160-5A** shall not also be used for a use which is not permitted in § **160-5A** such as a commercial parking lot or a shuttle bus service. **[Added 4-28-2000]**

**PROPOSED AMENDMENTS TO ORINANCE--§ 160-10 Off-street parking regulations:**

**§ 160-10 Off-street parking regulations.**

A. Except as otherwise provided in this chapter, when any building or structure is hereafter erected or there is an addition to any building or structure which increases the square foot area of the building or structure or any building or structure or portion thereof is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 of the chart below or as required in subsequent sections of this chapter. **[Amended 7-26-1996; 10-20-2000; 9-23-2005; 2-22-2013]**

Use or Use Category	Off-Street Parking Requirements	
	Spaces Required Per Basic Measuring Unit	Additional Requirements
Single-family dwelling or townhouse	2 per dwelling	
Beauty/barber shops, nail salons or other personal services	1 per 250 square feet of floor area.	
Church or temple	1 per 5 seats or bench seating spaces	(Seats in main auditorium only)
Public buildings such as public library, museum, art gallery or community center	10 per use	Plus 1 additional space for each 300 square feet of floor area
<b>Motel/hotel</b>	<b>1.5 per sleeping unit</b>	<b>Plus 1.5 spaces for each 10 rooms or portion thereof. Designated area for off-street loading and have a minimum width of 10 feet, a minimum length of 40 feet and a minimum of 14 feet of vertical clearance. If restaurant and/or meeting room/banquet room and/or other use is operated at same site as Motel/hotel, additional off-street parking space meeting the minimum requirements of such additional uses shall be provided.</b>
Meeting Rooms/Banquet Rooms	1 per 50 square feet of floor area	
Professional services building, including medical/dental clinic	1 per 200 square feet of floor area	6 minimum parking spaces for professional services building other than medical or dental, 10 minimum parking spaces for a medical or dental office or clinic.
Restaurant or eatery	1 per 50 square feet of total	<b>Designated area for off-street loading</b>

## Off-Street Parking Requirements

Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
	patron area as computed in § 160-5 and below.	and have a minimum width of 10 feet, a minimum length of 40 feet and a minimum of 14 feet of vertical clearance. Nothing in this section shall be construed to prevent the combined use of off-street parking and loading area.
Retail store	1 per 250 square feet of floor area	Designated area for off-street loading and have a minimum width of 10 feet, a minimum length of 40 feet and a minimum of 14 feet of vertical clearance. If retail store is in a center with more than 1 use category sharing a common roof, designated area for off-street loading may be shared by the other use categories operating in the same center. Nothing in this section shall be construed to prevent the combined use of off-street parking and loading area.

### B. Off-street parking regulations; size of parking spaces.

- (1) Residential. All required parking spaces shall be at least nine feet in width, 20 feet in length, and have a vertical clearance of at least six and one-half (6 1/2) feet.
- (2) Commercial. The required number of parking spaces shall comply with the minimum following dimensions based on the angle of parking:

Angle of Parking (degrees)	Parking Space Width (feet)	Parking Space Length	Parking Space Curb Length
0	9	9 feet	26 feet 4 inches
20	9	15 feet	23 feet
30	9	17 feet 4 inches	18 feet
40	9	19 feet 2 inches	14 feet 10 inches
45	9	19 feet 10 inches	12 feet 9 inches
50	9	20 feet 5 inches	11 feet 9 inches
60	9	21 feet	10 feet 5 inches
70	9	21 feet	9 feet 8 inches
80	9	20 feet 4 inches	9 feet 2 inches
90	9	19 feet	9 feet

### C. Location of parking spaces. [Amended 2-22-2013]

- (1) Residential. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:
  - (a) Within a permitted garage or carport.
  - (b) On an open area of the lot.
- (2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways: **[Amended 2-23-2018]**
  - (a) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one or more bathrooms that are operational and available for employee, customer or client use during business hours.
  - (b) If approved by the Town Council, open parking spaces required for a structure may be located on a lot(s) other than those intended to be served, provided that:
    - [1] It is not practicable to locate such spaces in accordance with Subsection C(2) because of:
      - [a] Unusual shape, size or dimensions of the lot;
      - [b] The lack of an alley or the lack of appropriate ingress or egress facilities through existing or proposed alleys or streets; or
      - [c] Traffic hazards.
    - [2] No more than 15% of the total required spaces is located on a lot(s) other than those intended;
    - [3] There is a written agreement provided to Town Council, attested to by the owners of record. The agreement shall:
      - [a] List the names and ownership interest of all parties to the agreement;
      - [b] Provide a legal description of the land;
      - [c] Include a site plan showing the area of the parking parcel and the open space reserved area which would be provided for future parking;
      - [d] Describe the hours of use of the area of the parking parcel and establish that the use will be unencumbered by any condition which would interfere with its use;
      - [e] Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant.
      - [f] Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without change to all participating uses;
      - [g] Describe the obligations of each party, including the maintenance responsibility.
      - [h] Describe the method by which the covenant shall, if necessary, be revised.

- [4] The peak parking hours of the lot(s) will not be the same as the structure intended to be served;
- [5] The lot(s) to serve the structure are not located in the Residential Zone;
- [6] The lot(s) to serve the structure are within 500 feet of the structure intended to be served; and
- [7] The Council may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.

D. Access, maintenance and operation.

- (1) The parking spaces required by this section shall be provided and maintained so long as the structure exists for which the parking spaces are designed to serve.
- (2) Parking spaces shall not be reduced after their provision except upon approval of the Town Council, and then only after proof that the parking spaces provided are no longer needed by reason of a reduction of employees, seats, gross floor area, dwelling units or any other unit of measurement, provided that the Town Council may impose any condition it shall deem necessary to assure the addition of parking spaces in case of a subsequent increase in employees, seats, gross floor area, dwelling units or any other unit of measurement.
- (3) Each parking space in a Commercial Zone shall be individually accessible at all times from streets or alleys through means of ingress and egress, without requiring another vehicle to be moved, and no parking space will be authorized or approved if egress requires the vehicle to back directly, in order to exit, onto any of the following: Delaware Route 1, Delaware Avenue, Maryland Avenue or a Town of Fenwick Island street. **[Amended 1-27-1995; 2-22-2013]**
- (4) Each parking space in a Commercial Zone shall be clearly designated by four-inch painted lines on three sides or by the use of the standard bumper (parking) blocks at the front of the parking space.
- (5) When parking spaces are so arranged that an aisle is used in conjunction with parking or is required for accessibility or maneuvering space between rows of two or more parking spaces or between a row of two or more parking spaces and the perimeter of the area based on the angle of parking shall be used:

<b>Angle of Parking</b>	<b>Aisle Width</b>
<b>(degrees)</b>	<b>(feet)</b>
0	14
20	14
30	14
40	14
45	14
50	14
60	20
70	20
80	25

- (6) Driveways which provide accessibility to parking spaces accessory to one-family dwellings shall be not less than eight feet in width.
  - (7) Driveways which provide accessibility to parking spaces accessory to any structure in a Commercial Zone, other than a one-family dwelling, shall be not less than 14 feet in width.
  - (8) Detailed plans shall be submitted to the Town Official for approval of all curb cuts or driveway openings.
  - (9) All applications for building permits shall include plats, profiles, topographic maps or any other plans in sufficient detail to determine compliance with requirements of this section.
  - (10) Adequate lighting shall be provided for off-street parking spaces if to be used at night. All outdoor commercial lighting fixtures shall be fully hooded or shielded so as to not produce glare on a neighboring property and that no direct rays of light source go beyond the commercial property line. The lighting shall not be placed within 50 feet of any property line which abuts the residential zone and may not be higher than 30 feet above ground level.
- E. Rules of interpretation. For the purposes of this section, the following rules of interpretation shall be applicable:
- (1) Where individual seats are not provided, each 18 inches of benches or other similar seating shall be considered as one seat.
  - (2) The number of employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night.
  - (3) In computing the number of parking spaces required, "floor area" which is devoted completely to use as loading berths, loading platform, material, equipment, supply storage, may be excluded. The excluded areas shall not be open to the general public.
  - (4) In computing the number of parking spaces required for Restaurant or eatery, patron area shall be calculated by measuring the area of a restaurant or eatery open to the public but exclusive of kitchen, storage areas and restrooms. Areas that are not part of the calculation shall not be open to the public. The floor space of any outside seating area and bar area shall be included in the calculation of patron area.
  - (5) In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses computed separately in accordance with § **160-10A**. Parking space for one use shall not be considered as providing the required parking spaces for any other use.
  - (6) Whenever calculations based on the schedule set forth in § **160-10A** result in a fractional space, the parking spaces required shall be construed to be the highest whole number.
  - (7) If a structure is not included in one of the categories of structures in § **160-10A**, the required number of parking spaces for uses not specifically listed shall be the same as for a similar characteristic use as determined by the Town Official.
  - (8) As used herein, "use or use category" is used only as a criterion for setting forth the off-street parking

requirements. To determine the use permissibility, see § **160-5**.

- F. Vehicle parking on an unimproved lot in the commercial zone for a fee or not and with or without the permission of the lot owner is prohibited. [**Added 4-28-2000**]
- G. A parking area in the Commercial Zone which serves a permitted use included in § **160-5A** shall not also be used for a use which is not permitted in § **160-5A** such as a commercial parking lot or a shuttle service. [**Added 4-28-2000**] For purposes of this Section 160-10 (G), the phrase “shuttle service shall have the meaning set forth in Section 153-7 (B) (Shuttle Service).